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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-sixth year

Letter dated 22 November 1991 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you of the following:

Since we addressed to you our most recent letter concerning Israeli outrages and practices in southern Lebanon, that dated 1 November 1991 and circulated in document A/46/611-S/23192, the Israeli occupation forces have been shelling densely populated villages and towns with heavy artillery. This has created a distressing and inflammable situation in southern Lebanon and the western Bekaa in which there are a number of civilian dead and wounded on a daily basis, and it has led to the displacement of tens of thousands of Lebanese from their homes to safer areas and to heavy damage to buildings and property. On 15 November 1991, a crime was perpetrated by Israeli forces in the town of Zebquine in which three children lost their lives. Then, at 12.45 a.m. on Wednesday, 20 November, Israeli forces advanced to the town of Majdel Salem, breaking through the positions of the Irish contingent of the United Nations Interim Force in Lebanon, and there blew up homes belonging to two citizens, Mamoon Yassine and Mohamed Haidar Zahweh, and opened heavy fire in all directions causing the death of the nine-year old son of the first named and wounding five of the inhabitants. They then abducted Mamoon Yassine, his three children and his brother and took them inside the so-called "security zone".

The Lebanese Government, in notifying you of these inhuman outrages and practices, calls upon the Security Council and the international community expeditiously to adopt a resolute position in order to deter the Israeli Government from pursuing a hostile policy that is incompatible with the Charter of the United Nations and international law and which subjects Lebanon's sovereignty and the lives and security of its citizens to daily

violations, particularly at a time when strenuous efforts are being made to achieve a solution to the Middle East problem by means of the peace conference.

The ongoing Israeli outrages have, at the same time, the goal of neutralizing the desire of the Lebanese Government and obstructing its plans for the normalization of the situation in all parts of Lebanon and the achievement of security and stability through the use of its lawful agencies.

The Lebanese Government, confronted by this situation, reserves its right to call for a meeting of the Security Council at any time that it may deem appropriate in order to consider the constant Israeli military escalation in southern Lebanon and the threat that it constitutes to security and peace in the Middle East region and in the world.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Khalil MAKKAWI
Ambassador
Permanent Representative

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NATIONS

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SOCIAL DEVELOPMENT: CRIME PREVENTION AND CRIMINAL JUSTICE

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith to the members of the General Assembly the report of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991, pursuant to General Assembly resolution 45/108 of 14 December 1990.

ANNEX

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I. INTRODUCTION

1. The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme was convened in accordance with General Assembly resolution 45/108 of 14 December 1990, which decided to establish an intergovernmental working group, which, on the basis of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1), would produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented. In the same resolution, the Assembly invited Member States, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early ministerial meeting: (a) to consider the report of the intergovernmental working group in order to decide what the future crime prevention and criminal justice programme should be; and (b) to consider, in that context, the possible need for a convention or other international instrument to develop the content, structure and dynamics of that programme, including mechanisms for setting priorities, securing the implementation of the programe and monitoring the results achieved. In the same resolution, the Assembly requested the Secretary-General, in preparation for the ministerial meeting, to assess the possible implications of the programme proposed by the intergovernmental working group for the resources and organization of the Secretariat and to report thereon to the ministerial meeting and to the Committee on Crime Prevention and Control. The Assembly also invited Member States to provide active support and assistance for the development of the programme and of viable mechanisms for implementing it. Finally, the General Assembly decided that the conclusions and recommendations of the Ministerial Meeting should be brought to the attention of the Assembly, under the item entitled "Crime prevention and criminal justice", for appropriate action.

2. In its resolution 1991/15 of 30 May 1991, the Economic and Social Council stressed, inter alia, the importance of General Assembly resolution 45/108 in determining mechanisms for the more efficient focusing of the programme on those activities where the United Nations could make a positive contribution to the control of crime, and requested the Assembly to give priority attention to the conclusions and recommendations of the ministerial summit meeting, with a view to taking appropriate action thereon, leading to the creation of an effective international crime and justice programme.

3. The Intergovernmental Working Group held its session at Vienna from 5 to 9 August 1991 and submitted a report to the Ministerial Meeting (A/CONF.156/2) containing recommendations agreed upon by consensus, in the form of a draft resolution entitled "Creation of an effective United Nations crime prevention and criminal justice programme", with an annex containing a "Statement of principles and programme of action of the United Nations crime prevention and criminal justice programme".

II. RECOMMENDATIONS

A. Draft resolution recommended for adoption by the General Assembly

The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

Recommends to the General Assembly the adoption at its forty-sixth session of the following draft resolution, after having approved its financial implications:

"Creation of an effective United Nations crime prevention and criminal justice programme

"The General Assembly,

"Alarmed by the scope of criminality and by the dangers posed to the welfare of all nations by the rising incidence of crime generally and by the many forms of criminal activity that have international dimensions,

"Also alarmed by the high cost of crime in both human and material terms, especially in its new and transnational forms, and aware of the effects of crime both on States and on individual victims,

"Recalling that, in its resolution 45/108 of 14 December 1990, it decided to establish an intergovernmental working group to 'produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented',

"Acknowledging with appreciation the work of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, 1/ which met at Vienna from 5 to 9 August 1991,

"Acknowledging also with appreciation the work of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991,

"Recognizing that criminality is a major concern of all nations and that it calls for a concerted response from the international community aimed at preventing crime and recidivism, improving the functioning of criminal justice and law enforcement, and increasing respect for individual rights,

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1/ See A/CONF.156/2.

"Acknowledging that a United Nations programme devoted to crime prevention and criminal justice can only be effective with the direct involvement of Member States,

"Convinced that the principal purpose of such a programme should be to provide practical assistance to States in combating both national and transnational crime,

"Noting the principles contained in the Milan Plan of Action 2/ and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, 3/ as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

"Recalling the relevant resolutions in which it has stressed the importance of the Commission on Human Rights and the Centre for Human Rights at Geneva with regard to respect for human rights in the administration of justice,

"Recognizing also the urgent need to promote and intensify international cooperation in crime prevention and criminal justice, and the fact that this cooperation can be effective only if it is executed with the direct participation of the receiving States, with due respect for their needs and priorities,

"1. Takes note with appreciation of the report of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme; 4/

"2. Approves the statement of principles and programme of action, annexed to the present resolution, recommending the establishment of a United Nations crime prevention and criminal justice programme;

"3. Supports a clearer definition of its mandate with regard to crime prevention and criminal justice, under the aegis and guidance of the United Nations, whose aim will be to respond to the most pressing priorities and needs of the international community in the face of both national and transnational criminality;

2/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, 26 August-6 September 1985): report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

3/ Ibid., sect. B.

4/ A/46/703.

"4. Requests the Secretary-General to give a high level of priority within the United Nations framework, and within the overall existing United Nations resources, to the activities of the United Nations crime prevention and criminal justice programme;

"5. Decides that the United Nations crime prevention and criminal justice programme shall be devoted to providing States with practical assistance, such as data collection, information and experience sharing, and training, in order to achieve the goals of preventing crime within and among States and of improving the response to crime;

"6. Invites Member States to give their political and financial support and to take measures that will ensure the implementation of the provisions of the statement of principles and programme of action as they relate to the strengthening of the United Nations crime prevention and criminal justice programme in terms of its structure, content and priorities;

"7. Requests the Secretary-General to take the necessary action within the overall existing United Nations resources and to provide appropriate resources for the effective functioning of the United Nations crime prevention and criminal justice programme in accordance with the principles outlined in the statement of principles and programme of action;

"8. Urges all entities of the United Nations system, including the regional commissions, the United Nations congresses on the prevention of crime and the treatment of offenders, the United Nations institutes for the prevention of crime and the treatment of offenders, the specialized agencies and the relevant intergovernmental and non-governmental organizations, to assist the United Nations crime prevention and criminal justice programme in fulfilling its tasks;

"9. Encourages all developed countries to review their aid programmes in order to ensure that there is a full and proper contribution in the field of criminal justice within the overall context of development priorities;

"10. Decides that a commission on crime prevention and criminal justice should be established as a functional commission of the Economic and Social Council, which would hold its inaugural meeting during 1992, that the meeting of the Committee on Crime Prevention and Control scheduled for February 1992 should be cancelled, and that the funds necessary for the work of the new commission be redeployed within the budget for the biennium 1992-1993;

"11. Requests the Economic and Social Council at its organizational session of 1992:

"(a) To dissolve the Committee on Crime Prevention and Control;

"(b) To establish the commission on crime prevention and criminal justice as a new functional commission of the Economic and Social Council, in accordance with the recommendations contained in the statement of principles and programme of action;

"(c) To endorse the role and functions of the United Nations congresses on the prevention of crime and the treatment of offenders, in accordance with the recommendations contained in the statement of principles and programme of action;

"12. Decides that the present members of the Committee on Crime Prevention and Control should be invited to participate during the first two days of the inaugural session of the new commission, at the expense of their respective Governments, except in the case of Committee members from least developed countries, in order to facilitate an orderly transition;

"13. Also decides to retain for the United Nations crime prevention and criminal justice programme, without prejudice to additional funds that may be made available by the Secretary-General, all funds currently allocated to the programme, as well as any savings realized by restructuring;

"14. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on measures taken to implement the statement of principles and programme of action;

"15. Decides to include in the provisional agenda of its forty-seventh session an item entitled 'Crime prevention and criminal justice'.

"ANNEX

"Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme

"We, Member States of the United Nations,

"Assembled in Paris to consider ways and means of promoting international cooperation in crime prevention and criminal justice and of strengthening the United Nations crime prevention and criminal justice programme in order to make it fully effective and responsive to the needs and priorities of Member States,

"Considering that one of the purposes of the United Nations, as stated in the Charter of the United Nations, is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

"Convinced of the urgent need for more efficient international mechanisms to assist States and to facilitate joint strategies in the field of crime prevention and criminal justice, thus consolidating the role of the United Nations as the focal point in that field,

"Noting the importance of the principles contained in the Milan Plan of Action 5/ and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, 6/ as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

"Reaffirming the responsibility assumed by the United Nations in crime prevention and criminal justice,

"Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, the observance of human rights and the promotion of the highest standards of fairness, humanity and professional conduct,

"Recognizing that it is essential to elicit active support for, and to provide the means of assistance for the development of, an effective United Nations crime prevention and criminal justice programme and to devise appropriate implementation mechanisms,

"Deeply concerned about the extent and growth of crime, with its financial, economic and social consequences,

"Alarmed at the high cost of crime in both human and material terms, as well as in its new national and transnational forms, and aware of the effects of crime both on States and on individual victims,

"Recognizing that the primary responsibility for crime prevention and criminal justice rests with Member States,

"Emphasizing the need for strengthened regional and international cooperation to combat crime and recidivism, to effect the improved functioning of criminal justice systems, to promote respect for individual rights and to safeguard the rights of victims of crime and the general security of the public,

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5/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, 26 August-6 September 1985): report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

6/ Ibid., sect. B.

"Aware that there is unanimity about the need to create a new, vigorous United Nations crime prevention and criminal justice programme, as well as agreement on the need to establish in intergovernmental body for policy-making and priority-setting, to strengthen the effectiveness of the Secretariat unit within the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, and to increase technical cooperation to help countries, particularly developing countries, translate United Nations policy-guidelines into practice, including training,

"Determined to translate our political will into concrete action:

"(a) By creating the essential mechanisms for practical collaboration against common problems;

"(b) By providing a framework for inter-State cooperation and coordination to respond to the serious new forms and transnational aspects and dimensions of crime;

"(c) By establishing information exchanges concerning the implementation and effectiveness of the United Nations norms and standards in crime prevention and criminal justice;

"(d) By providing means of assistance, particularly developing countries, for more effective crime prevention and more human justice;

"(e) By establishing an adequate resource base for a truly effective United Nations crime prevention and criminal justice programme,

"Proclaim our strong commitment to the above-mentioned goals and agree on the following:

"I. STATEMENT OF PRINCIPLES

"1. We recognize that the world is experiencing very important changes resulting in a political climate conducive to democracy, to international cooperation, to more widespread enjoyment of basic human rights and fundamental freedoms, and to the realization of the aspirations of all nations to economic development and social welfare. Notwithstanding these developments, the world today is still beset by violence and other forms of serious crime. These phenomena, wherever they occur, constitute a threat to the maintenance of the rule of law.

"2. We believe that justice based on the rule of law is the pillar on which civilized society rests. We seek to improve its quality. A humane and efficient criminal justice system can be an instrument of equity, constructive social change and social justice, protecting basic values and peoples' inalienable rights. Every right of the

individual should enjoy the protection of the law against violation, a process in which the criminal justice system plays an essential role.

"3. We have in mind the fact that the lowering of the world crime rate is related to, among other factors, the improvement of the social conditions of the population. The developed countries and the developing countries are experiencing difficult situations in this respect. Nevertheless, the specific problems encountered by the developing countries justify priority being given to dealing with the situation confronting these countries.

"4. We believe that rising crime is impairing the process of development and the general well-being of humanity and is causing general disquiet within our societies. If this situation continues, progress and development will be the ultimate victims of crime.

"5. We also believe that the growing internationalization of crime must generate new and commensurate responses. Organized crime is exploiting the relaxation of border controls designed to foster legitimate trade and, hence, development. The incidence and scope of such crimes may increase further in the coming years unless sound preventive measures are taken. It is thus particularly important to anticipate events and to assist Member States in mounting suitable preventive and control strategies.

"6. We recognize that many criminal offences have international dimensions. In this context, there is an urgent need for States to address, while respecting the sovereignty of States, problems arising in collecting evidence, extraditing offenders and promoting mutual legal assistance, for example, when such offences are committed across frontiers or when frontiers are used to escape detection or prosecution. Despite differences in legal systems, experience has shown that mutual assistance and cooperation can be effective countermeasures and can help to prevent conflicts of jurisdiction.

"7. We also recognize that democracy and a better quality of life can flourish only in a context of peace and security for all. Crime poses a threat to stability and to a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security.

"8. We must ensure that any increases in the capacity and capabilities of perpetrators of crime are matched by similar increases in the capacity and capabilities of law enforcement and criminal justice authorities. By pooling our knowledge and developing suitable countermeasures, success in the prevention of crime and the reduction of victimization can be maximized. We

recognize in particular the need to improve and strengthen the means of the crime prevention and control authorities in the developing countries, whose critical economic and social situation is further increasing the difficulties in this area.

"9. We call on the international community to increase its support of technical cooperation and assistance activities for the benefit of all countries, including developing and smaller countries, and for the purpose of expanding and strengthening the infrastructure needed for effective crime prevention and viable, fair and humane criminal justice systems.

"10. We acknowledge the contribution of the United Nations crime prevention and criminal justice programme to the international community. We note that it is a long-recognized fact that inadequate resources have been devoted to the implementation of the programme, which has in the past been inhibited from achieving its potential. We also note that a strengthening of the resources devoted to the implementation of the programme was called for by the Sixth United Nations Congress for the Prevention of Crime and the Treatment of Offenders, 7/ the Seventh United Nations Congress for the Prevention of Crime and the Treatment of Offenders 8/ and the Eighth United Nations Congress for the Prevention of Crime and the Treatment of Offenders. 9/ We further note that the Committee on Crime Prevention and Control, at its eleventh session, gave priority attention to the conclusions and recommendations of a subcommittee established to provide an overview of the problem of crime and to assess the most efficient means of stimulating practical international action in support of Member States, in pursuance of General Assembly resolution 44/72 of 8 December 1989. The Committee, in its resolution 11/3, unanimously approved a report of the subcommittee on the need for the creation of an effective international crime and justice programme. 10/ That report, which

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7/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. A.

8/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

9/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. A.

10/ E/1990/31/Add.1.

was endorsed by the Eighth Congress, 11/ was used as an important tool for the establishment of the United Nations crime prevention and criminal justice programme, in line with the provisions of General Assembly resolution 45/108.

"11. We accordingly recommend intensified international cooperation in crime prevention and criminal justice, including the creation of an effective United Nations crime prevention and criminal justice programme.

"12. We are convinced that there is a need for Governments to define more clearly the role and functions of the United Nations crime prevention and criminal justice programme and the Secretariat and to determine priorities within that programme.

"13. We strongly believe that the review of the programme should aim at strengthening its effectiveness, improving its efficiency and establishing an adequate Secretariat support structure.

"II. PROGRAMME OF ACTION

"A. DEFINITION

"14. The United Nations crime prevention and criminal justice programme shall bring together the work of the commission on crime prevention and criminal justice, the interregional and regional institutes for the prevention of crime and the treatment of offenders, the network of government-appointed national correspondents in the field of crime prevention and criminal justice, the Global Crime and Criminal Justice Information Network and the United Nations congresses on the prevention of crime and the treatment of offenders in providing assistance to Member States in their efforts to reduce the incidence and costs of crime and in developing the proper functioning of the criminal justice system. The establishment of this programme will be effected in accordance with the procedures defined below and within the framework of the total available resources of the United Nations.

"B. GOALS

"15. The programme shall be designed to assist the international community in meeting its pressing needs in the field of crime prevention and criminal justice and to provide countries with timely and practical assistance in dealing with problems of both national and transnational crime.

11/ Eighth United Nations Congress ..., op. cit., chap. IV.

"16. The general goals of the programme shall be to contribute to the following:

"(a) The prevention of crime within and among States;

"(b) The control of crime both nationally and internationally;

"(c) The strengthening of regional and international cooperation in crime prevention, criminal justice and the combating of transnational crime;

"(d) The integration and consolidation of the efforts of Member States in preventing and combating transnational crime;

"(e) More efficient and effective administration of justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system;

"(f) The promotion of the highest standards of fairness, humanity, justice and professional conduct.

"C. SCOPE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

"17. The programme shall include appropriate forms of cooperation for the purpose of assisting States in dealing with problems of both national and transnational crime. In particular, it may include:

"(a) Research and studies at the national, regional and global levels on specific prevention issues and criminal justice measures;

"(b) Regular international surveys to assess trends in crime and developments in the operation of criminal justice systems and in crime prevention strategies;

"(c) Exchange and dissemination of information among States on crime prevention and criminal justice, particularly with regard to innovative measures and the results achieved in their application;

"(d) Training and upgrading of the skills of personnel working in the various areas of crime prevention and criminal justice;

"(e) Technical assistance, including advisory services, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training and the use of modern communication and information techniques; such assistance may be implemented by means of, for example, fellowships, study tours, consultancies, secondments, courses, seminars and demonstration and pilot projects.

"18. Within the framework of the programme, the United Nations should directly carry out the above-mentioned forms of cooperation or should act as a coordinating or facilitating agent. Special attention should be paid to the creation of mechanisms to provide flexible and appropriate assistance and to respond to the needs of Member States at their request, without duplicating the activities of other existing mechanisms.

"19. For the purpose of those forms of cooperation, Member States should establish and maintain reliable and effective channels of communication among themselves and with the United Nations.

"20. The programme may also include, as appropriate, while respecting the sovereignty of States, a review of the effectiveness and application of and, where necessary, further development and promotion of international instruments on crime prevention and criminal justice.

"D. PROGRAMME PRIORITIES

"21. In developing the programme, areas of priority shall be determined in response t the needs and concerns of Member States, giving particular consideration to the following:

"(a) Empirical evidence, including research findings and other information on the nature and extent of crime and on trends in crime;

"(b) The social, financial and other costs of various forms of crimes and/or crime control to the individual, the local, national and international community and to the development process;

"(c) The need of developing or developed countries, which are confronting specific difficulties related to national or international circumstances, to have recourse to experts and other resources necessary for establishing and developing programmes for crime prevention and criminal justice that are appropriate at the national and local levels;

"(d) The need for a balance within the programme of work between programme development and practical action;

"(e) The protection of human rights in the administration of justice and the prevention and control of crime;

"(f) The assessment of areas in which concerted action at the international level and within the framework of the programme would be most effective;

"(g) Avoidance of overlapping with the activities of other entities of the United Nations system or of other organizations.

"22. The commission on crime prevention and criminal justice shall not be bound by mandates conferred prior to its formation, but shall assess them on their merits by applying the above-mentioned principles.

"E. STRUCTURE AND MANAGEMENT

"1. Commission on crime prevention and criminal justice

"23. A commission on crime prevention and criminal justice shall be established as a functional commission of the Economic and Social Council. The commission shall have the power to create ad hoc working groups and to appoint special rapporteurs, as it deems necessary.

"Membership

"24. The commission shall consist of thirty-two Member States of the United Nations, elected by the Economic and Social Council on the basis of the principle of equitable geographical distribution. Its members shall serve for a term of three years, except that the terms of one half of the first elected members, whose names shall be chosen by lot, shall expire after two years. Each Member State shall make every effort to ensure that its delegation includes experts and senior officials with special training and practical experience in crime prevention and criminal justice, preferably with policy responsibility in the field. Provisions should be made in the regular budget of the United Nations to defray the travel costs of the representatives of the least developed countries that are members of the Commission.*

"Sessions

"25. The Commission shall hold annual sessions of not more than ten working days.

"* It is recommended that in order to commence the work of the commission as soon as possible, the geographical distribution of the commission may be similar to that of the Committee on Crime Prevention and Control, with the additional allocation of one seat to each of the regional groups, that is: African States (8), Asian States (7), Eastern European States (4), Latin American and Caribbean States (6) and Western European and other States (7). The size and geographical distribution of the Commission may be reviewed two years after the first session of the Commission.

"Functions

"26. The Commission shall have the following functions:

"(a) To provide policy guidance to the United Nations in the field of crime prevention and criminal justice;

"(b) To develop, monitor and review the implementation of the programme on the basis of a system of medium-term planning in accordance with the priority principles provided in paragraph 21 above;

"(c) To facilitate and help to coordinate the activities of the interregional and regional institutes;

"(d) To mobilize the support of Member States for the United Nations crime prevention and criminal justice programme;

"(e) To prepare the congresses and to consider suggestions regarding possible subjects for the programme of work as submitted by the congresses.

"2. Committee on Crime Prevention and Control

"27. The Committee on Crime Prevention and Control should be dissolved by the Economic and Social Council upon the establishment by the Council of the commission on crime prevention and criminal justice. There will be a basic need for involving independent experts in the area of crime prevention and control.

"28. The commission shall, when necessary, use the services of a limited number of qualified and experienced experts, either as individual consultants or in working groups, in order to assist in the preparations for and follow-up work of the commission. Their advice shall be transmitted to the commission for consideration. The commission shall be encouraged to seek such advice whenever such expertise is needed. One of the major tasks of the experts shall be to assist in the preparations for the congresses.*

"* The Secretariat shall keep a list of such experts. The experts shall be selected by the commission in collaboration with the Secretariat, the United Nations institutes for the prevention of crime and the treatment of offenders and non-governmental organizations. The commission, in consultation with Member States, shall develop a mechanism for that purpose. Such experts, who may be either governmental officials or other individuals, shall be chosen on the basis of equitable geographical distribution. They should be available to the programme in their individual independent capacity for at least three years. Expert group meetings shall take place subject to the conditions set out in paragraph 14.

"3. United Nations congresses on the prevention of crime and the treatment of offenders

"29. The United Nations congresses on the prevention of crime and the treatment of offenders, as a consultative body of the programme, shall provide a forum for:

"(a) The exchange of views between States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines;

"(b) The exchange of experiences in research, law and policy development;

"(c) The identification of emerging trends and issues in crime prevention and criminal justice;

"(d) The provision of advice and comments to the commission on crime prevention and criminal justice on selected matters submitted to it by the commission;

"(e) The submission of suggestions, for the consideration of the commission, regarding possible subjects for the programme of work.

"30. In order to enhance the effectiveness of the programme and to achieve optimal results, the following arrangements should be implemented:

"(a) The congresses should be held every five years, for a period of between five and ten working days;

"(b) The commission shall select precisely defined topics for the congresses in order to ensure a focused and productive discussion;

"(c) Quinquennial regional meetings should be held under the guidance of the commission on issues related to the agenda of the commission or of the congresses, or on any other matters, except when a region does not consider it necessary to hold such a meeting. The interregional and regional institutes should be fully involved, as appropriate, in the organization of those meetings. The commission shall give due consideration to the need to finance such meetings, in particular in developing regions, through the regular budget of the United Nations;

"(d) Action-oriented research workshops on topics selected by the commission, as part of a congress programme, and ancilliary meetings associated with the congresses should be encouraged.

"4. Organizational structure of the secretariat and of the programme

"31. The secretariat shall be the permanent body responsible for facilitating the implementation of the programme, the priorities of which shall be established by the commission, and for assisting the commission in conducting evaluations of the progress made and analyses of the difficulties encountered. For that purpose, the secretariat shall:

"(a) Mobilize existing resources, including institutes, intergovernmental organizations, non-governmental organizations and other competent authorities for the implementation of the programme;

"(b) Coordinate research, training and the collection of data on crime and justice, and provide technical assistance and practical information for Member States, particularly through the global information retwork on crime and criminal justice;

"(c) Assist the commission in the organization of its work and in the preparation, in accordance with the directions of the commission, of the congresses and any other events relating to the programme;

"(d) Ensure that the potential donors of criminal justice assistance are put in touch with countries needing the help in question;

"(e) Make the case for assistance in the field of criminal justice to the appropriate funding agencies.

"32. It is recommended to the Secretary-General that, in recognition of the high priority that should be accorded to the programme, an upgrading of the Crime Prevention and Criminal Justice Branch into a division should be effected as soon as possible, under the conditions set out in paragraph 14, bearing in mind the structure of the United Nations Office at Vienna.

"33. The Professional staff of the secretariat of the programme shall be called 'Crime Prevention and Criminal Justice Officers'.

"34. The secretariat of the programme shall be directed by a senior official responsible for the overall day-to-day management and supervision of the programme, communicating with the relevant government officials, the specialized agencies and intergovernmental organizations whose activities are relevant to the programme.

"F. PROGRAMME SUPPORT

"1. Interregional and regional institutes for the prevention of crime and the treatment of offenders

"35. The activities of the United Nations institutes for the prevention of crime and the treatment of offenders* should be supported by Member States and the United Nations, giving particular attention to the needs of such institutes located in developing countries. Given the important role of such institutes, their contributions to policy development and implementation, and their resource requirements, should be fully integrated into the overall programme, especially those of the African Regional Institute for the Prevention of Crime and the Treatment of Offenders.

"* The United Nations institutes for the prevention of crime and the treatment of offenders consist of the following:

"(a) The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, established in 1961 at Fuchu, Japan;

"(b) The United Nations Interregional Crime and Justice Research Institute, established in 1968 at Rome;

"(c) The United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders, established in 1975 at San José, Costa Rica;

"(d) The Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, established in 1981 at Helsinki;

"(e) The African Regional Institute for the Prevention of Crime and the Treatment of Offenders, established in 1989 at Kampala.

"In addition, three other institutes are currently cooperating closely with the United Nations in the field of crime prevention and criminal justice:

"(a) The Arab Security Studies and Training Centre, at Riyadh;

"(b) The Australian Institute of Criminology, at Canberra;

"(c) The International Centre for Criminal Law Reform and Criminal Justice Policy, at Vancouver, Canada.

"2. Coordination among the interregional and regional institutes

"36. The interregional and regional institutes should keep one another and the commission informed on a regular basis about their programme of work and its implementation.

"37. The commission may request the interregional and regional institutes, subject to the availability of resources, to implement select elements of the programme. The commission may also suggest areas for inter-institute activities.

"38. The commission shall seek to mobilize extrabudgetary suport for the activities of the interregional and regional institutes.

"3. Network of government-appointed national correspondents in the field of crime prevention and criminal justice

"39. Member States should designate one or more national correspondents in the field of crime prevention and criminal justice as focal points for the purpose of maintaining direct communication with the secretariat and other elements of the programme.

"40. The national correspondents shall facilitate contact with the Secretariat on matters of legal, scientific and technical cooperation, training, information on national laws and regulations, legal policy, the organization of the criminal justice system, crime prevention measures and penitentiary matters.

"4. Global information network on crime and criminal justice

"41. Member States shall support the United Nations in the development and maintenance of the global information network on crime and criminal justice in order to facilitate the collection, analysis, exchange and dissemination, as appropriate, of information and the centralization of inputs from non-governmental organizations and scientific institutions in the field of crime prevention and criminal justice.

"42. Member States shall undertake to provide the Secretary-General on a regular basis and upon request with data on the dynamics, structure and extent of crime and on the operation of crime prevention and criminal justice strategies in their respective countries.

"5. Intergovernmental and non-governmental organizations

"43. Intergovernmental and non-governmental organizations and the scientific community are a valuable source of professional expertise, advocacy and assistance. Their contributions should be fully utilized in programme development and implementation.

"G. FUNDING OF THE PROGRAMME

"44. The programme shall be funded from the regular budget of the United Nations. Funds allocated for technical assistance may be supplemented by direct voluntary contributions from Member States and interested funding agencies. Member States are encouraged to make contributions to the United Nations Trust Fund for Social Defence, to be renamed the United Nations crime prevention and criminal justice fund. They are also encouraged to contribute in kind for the operational activities of the programme, particularly by seconding staff, organizing training courses and seminars, and providing the requisite equipment and services."

B. Other draft resolutions adopted by the Ministerial Meeting

1. The need for technical cooperation in the field of crime prevention and criminal justice

The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme,

Recalling United Nations General Assembly resolution 45/108 of 14 December 1990, which invited it "to develop ... mechanisms for ... securing the implementation of the programme and monitoring the results achieved",

Recalling also the resolution adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders entitled "Prevention of urban crime", 12/ in which the Congress invited the Secretary-General to develop the role of the Secretariat of the Organization "by encouraging the creation of an international foundation for the prevention of crime, which would associate practitioners in charge of the formulation and the implementation of national and local policies on crime prevention",

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12/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

Recalling also the decision of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 13/ which requested the Secretary-General "to give priority attention to specific practical measures to combat international crime and to promote the effective implementation of norms, standards and instruments adopted by the international community, and to the provision, where practicable, of technical cooperation to Member States at their request",

Having taken note of the report of the meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, held at Vienna from 5 to 9 August 1991, 14/

1. Emphasizes the need to develop technical cooperation, both bilaterally and multilaterally, in the area of crime prevention and criminal justice, particularly with respect to the United Nations programmes on crime prevention and criminal justice;

2. Welcomes the proposal adopted by the Second International Conference on Urban Safety, Drugs and Crime Prevention concerning the creation of an international centre for the prevention of crime consistent with the objectives of the United Nations and which might become affiliated with it;

3. Requests the United Nations commission on crime prevention and criminal justice to include in its agenda the question of employing effective mechanisms to facilitate technical cooperation, including utilization of United Nations institutes, United Nations affiliated institutes or other mechanisms, which could be, inter alia, a foundation.

2. Election of Mr. Boutros Boutros Ghali to the post of Secretary-General of the United Nations

All Ministers responsible for criminal justice and heads of delegations of Member States and non-member States, representatives of United Nations bodies and agencies, representatives of intergovernmental and non-governmental organizations gathered at Versailles, France, today for the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme hereby extend their sincere congratulations to His Excellency Mr. Boutros Boutros Ghali, on the occasion of the recommendation by the Security Council to the General Assembly that he be appointed Secretary-General of the United Nations, and offer their best wishes for the future.

13/ Ibid., sect. D.

14/ A/CONF.156/2.

3. Expression of thanks to the Government and people of France

The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme,

Having met in Paris from 21 to 23 November 1991 at the invitation of the Government of France,

Expresses its profound gratitude to the President of the French Republic and to the Government and people of France for their warm and generous hospitality and for the magnificent facilities provided.

III. ORGANIZATION OF THE MEETING

A. Date and venue of the Ministerial Meeting

4. The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme was held at the Parlement de Versailles, France, from 21 to 23 November 1991, in accordance with General Assembly resolution 45/108.

B. Attendance

5. The following Member States were represented at the Ministerial Meeting: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Egypt, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia and Zimbabwe.

6. The following States were also represented at the Ministerial Meeting: Holy See and Switzerland.

7. The following United Nations offices and organs were represented by observers: Economic and Social Commission for Western Asia (ESCWA), United Nations Development Programme (UNDP) and Centre for Human Rights.

8. The following institutes of the United Nations were represented: United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Interregional Crime and Justice Research Institute, International Centre for Criminal Law Reform and Criminal Justice Policy and Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations.

9. The following specialized agency was represented: United Nations Educational, Scientific and Cultural Organization (UNESCO).

10. The following intergovernmental organizations were represented by observers: Arab Security Studies and Training Centre, Commission of the European Communities, Commonwealth Secretariat, Council of the Arab Ministers of the Interior, Council of Europe, International Criminal Police Organization (INTERPOL) and League of Arab States.

11. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Category I: International Council of Women;

Category II: Amnesty International, Arab Lawyers Union, Friends World Committee for Consultation, International Association against Torture, International Association of Judges, International Association of Penal Law, International Catholic Child Bureau, International Council for Adult Education, International Council of Jewish Women, International Commission of Jurists, International Committee of the Red Cross, International Council on Alcohol and Addictions, International Society of Social Defence, International Union of Lawyers, Société Internationale de Criminologie, World Federation for Mental Health and World Society of Victimology.

12. The following other non-governmental organizations were represented by observers: Foundation for the Development of International Probation and Parole Practice, International Commission on Illumination, National Associations Active in Criminal Justice, Office of International Criminal Justice at the University of Illinois at Chicago, Penal Reform International and Society for the Reform of Criminal Law.

C. Opening of the Ministerial Meeting

13. The Ministerial Meeting was officially opened by the Director-General of the United Nations Office at Vienna and Head of the Centre for Social Development and Humanitarian Affairs, who, referring to the traditional French hospitality and the historical associations of Versailles, particularly with respect to the attainment of peace, expressed her hope that the Meeting would

be inspired to make its own contribution to history on an issue - crime prevention and criminal justice - essential to social peace and stability.

14. The Director-General for Development and International Economic Cooperation read a statement addressed by the Secretary-General to the Ministerial Meeting. The Secretary-General extended his sincere thanks to the Government and people of France for generously hosting the Meeting. He expressed his appreciation for the constructive role played by the Government of France in encouraging dialogue among Member States in order to curtail all forms of crime that threaten social stability, peace and security. The mounting incidence of crime, combined with social disruption and instability, weakened fragile social and economic institutions, and exacted a heavy price, impeding democratic processes and the full enjoyment of human rights and fundamental freedoms.

15. The Secretary-General noted that Member States had repeatedly voiced their concern over the seriousness and extent of certain forms of criminality, such as economic crimes, large-scale fraud and environmental offences, which posed a real danger to the global society. Smuggling, illicit flight of capital, misuse of public funds and widespread corruption undermined national economies and eroded the quality of life. Organized crime and terrorism violated the sovereignty of States. The growing problem of illicit drug-trafficking and drug abuse threatened not ony the health and safety of millions of individuals but also subverted friendly relations among nations, increasing the number of innocent victims. Summary executions, disappearances and the systematic practice of torture imposed a heavy burden on the world's conscience.

16. The Secretary-General also noted that if the security of nations was not to be viewed in terms of external threat alone, if progress was to be measured not only by economic indicators, and if change was also to be understood from the perspective of human welfare, then the social agenda of the United Nations was equal in rank with the political, economic and environmental agendas. It was, therefore, imperative that crime and justice be addressed as critical problems requiring coordinated national and international action, with close judicial and police cooperation among States. Unless there was strong commitment by Member States to reinforce the multilateral approach to crime prevention and criminal justice, including technical cooperation and assistance, little practical progress could be achieved.

17. In his conclusion, the Secretary-General stressed that the Meeting was expected to provide guidance on the creation of an effective United Nations crime prevention and criminal justice programme. The resolutions and recommendations of the United Nations congresses on the prevention of crime and the treatment of offenders traced the broad outlines for the framework within which such a programme should be set. However, concrete measures should be determined by the Meeting whereby the programme could adequately respond to the needs of Member States and serve as both a source of practical assistance and a springboard for joint action. Basic to success in that field was a minimum of financial certainty for the programme.

18. The Ministerial Meeting was addressed by Her Excellency Mrs. Edith Cresson, Prime Minister of the French Republic, who stated that the challenge of the fight against crime had worldwide implications. Could the United Nations constitute the centre of gravity for a plan of action against crime? Only very recently it was possible to doubt the effectiveness of a system that was paralysed by the opposition of the blocs. An intense movement towards democratization was now emerging, however, and in various parts of the world the international scene was changing. Through the impetus given by its Secretary-General, the United Nations was increasingly present on the scene, finding there renewed legitimacy and energy, and increasingly proving its ability to mobilize the international community in concerted action. The United Nations thus constituted a credible framework within which the global problems facing the world could be tackled. Crime was one of these problems.

19. Whether as a consequence of the cold war or as a bureaucratic phenomenon, crime had been reduced to a technical question for too long, but it now seemed possible to reach a consensus whereby an indispensable complementarity could be instituted between experts and policy makers. There were several challenges to be faced, in particular organized crime, with its international ramifications, whose white-collar criminals and practices were too often presented as honourable. Not all countries were affected by the problem, but all had to stand together to counter the crimes of money-laundering, wide-scale corruption and drug-trafficking.

20. A second challenge was finding ways to deal with new forms of violence, such as street violence and offences against the environment. Those required specific policies, including law enforcement, awareness campaigns and education. Small-scale crime of the suburbs and urban neighbourhoods was another challenge. The struggle against this type of criminality was no longer solely a matter for specialists or the primary responsibility of the State. The essential part of prevention depended on public participation and general popular mobilization.

21. The true fight against crime required tenacity, intelligence and know-how. Combating crime also meant fighting it through wider education, employment, health, social and economic development, national, regional and town planning. The quest for security concerned everyone: magistrates and police officers, social workers and the medical and social professions, but also representatives of organized social forces, be they associations or trade unions and, in particular, local authorities.

22. The fight against crime was not yet considered a priority by the United Nations. The Government of France was convinced that international mobilization was also essential in that area and for that reason had offered to host the Meeting, so that the common desire to combine energies and know-how could be expressed at the highest level in a resounding manner.

23. There was now a clear vision of existing weaknesses and the time had come for joint action, sharing experiences and demonstrating mutual solidarity through effective cooperation. In fact, while combating crime was necessary

for social cohesion, the manner in which the fight against crime was organized was even more important in protecting and strengthening social cohesion. Victory over crime was, first and foremost, a victory for democracy.

D. Election of the President and other officers

24. At its first plenary meeting, on 21 November 1991, the Ministerial Meeting elected by acclamation Mr. Michel Delebarre, Minister of Towns and Urban Planning (France), President of the Meeting.

25. Following his election, the President addressed the Meeting. He stated that crime was a universal plague, whose magnitude and consequences must be reduced. He noted that strategies to prevent crime based solely on strengthened legislative and repressive measures reinforced police and judicial resources and heavier penalties, but yielded poor results. They often served only to institutionalize a climate of violence and insecurity. A broader approach ought to be developed with due attention to social factors, such as poverty, unemployment, poor education, health and family problems. The Meeting was to provide new perspectives for the United Nations crime prevention and criminal justice programme and enable it to undertake concrete action. That would require an effective structure, a plan of action, the establishment of priorities and adequate resources.

26. Organized crime and drug-trafficking were committed by powerful perpetrators, with developed techniques and sophisticated networks, demanding operational cooperation. Ordinary crime had also flourished everywhere. New forms of crime, such as environmental offences and computer criminality associated with changes in the use of new technology, had serious consequences for the community, though public opinion was not always aware of their harmful effects. Their punishment was often hypothetical, their prevention was almost non-existent, and their victims rarely compensated. The United Nations should create public awareness, assist in developing appropriate legislation, formulate new international agreements and schemes, devise appropriate prevention techniques and promote training. In sum, the United Nations was expected to provide a range of services in response to identified needs.

27. In conclusion, the President called for the strengthening of the United Nations programme in crime prevention and criminal justice and the establishment of a strategy for cooperation and technical assistance. The establishment of a United Nations commission on crime prevention and criminal justice would mobilize the efforts of government officials and should be assisted by independent experts. Finally, the President suggested that in the context of strengthening the United Nations programme in this field, the Crime Prevention and Criminal Justice Branch should be upgraded to a division.

28. Also at the first plenary meeting, the Ministerial Meeting elected by acclamation the following officers:

Vice-Presidents: Mr. Ibrahim Mohamed Al Awaji (Saudi Arabia)
Mr. V. Loutchnikov (Bulgaria)
Mrs. Elizabeth Odio Benito (Costa Rica)

Rapporteur: Mr. Ussumane Aly Dauto (Mozambique)

At the same meeting, the Ministerial Meeting decided to establish a Committee of the Whole and to entrust to Mr. Ibrahim Mohamed Al Awaji (Saudi Arabia) the task of chairing that Committee.

29. At the same meeting, on the proposal of the President, the Ministerial Meeting decided to consider the question of the establishment of a foundation in the field of crime prevention and criminal justice and to allocate it to the Committee of the Whole.

E. Adoption of the agenda and organization of work

30. At its first plenary meeting, on 21 November, the Ministerial Meeting adopted the following agenda:

1. Opening of the meeting.

2. Election of officers.

3. Adoption of the agenda and organization of work.

4. Creation of an effective United Nations crime prevention and criminal justice programme, in pursuance of General Assembly resolution 45/108.

5. Possible need for a convention or other international instrument to develop the content, structure and dynamics of the programme, including mechanisms for setting priorities, securing implementation and monitoring the results achieved, in pursuance of General Assembly resolution 45/108.

6. Conclusions and recommendations.

7. Adoption of the report of the Ministerial Meeting.

31. The Ministerial Meeting also approved its organization of work as contained in document A/CONF.156/L.1.

F. Documentation

32. The list of documents before the Ministerial Meeting is listed in the annex to the present report.

IV. REPORT OF THE GENERAL DEBATE

33. Prior to the opening of the general debate, the Director-General of the United Nations Office at Vienna made an introductory statement. Victory in the fight against crime was not possible without the direct involvement of societies and international cooperation in its prevention and control. The issue was essential to the achievement of genuine security in the sense of social peace and stability, the maintenance of the rule of law, the protection of human rights and sustainable development. The real challenge was to combat crime while scrupulously respecting human rights.

34. The Director-General stressed the importance of preventing crime and called attention to four factors contributing to escalating criminality. The first was a side effect of the increased freedom and economic progress being experienced increasingly by new democracies in Eastern Europe and among developing countries. In those cases, crime prevented sustainable development and impinged on freedom. The second arose from poverty and the increasing gap between the affluent and those in need, both within and among States. To counter this it was necessary not only to promote social justice, but also to reduce disparities and marginalization. Another element was the increasing violence connected with the response to the movement of populations from poorer to richer regions of the world. Immediate action was crucial as such migration was likely to grow substantially. Finally, regional integration increased opportunities for criminal activity and expanded its transnational dimensions.

35. In its 40 years of existence, the United Nations crime prevention and criminal justice programme had created the basis for the indispensable interaction among sovereign States. In spite of modest resources, its achievements were considerable, particularly in the elaboration of standards, norms, guidelines and model treaties. A gap had become apparent, however, between its limited capacity and the problems it was called upon to address, as evidenced by the difficulties encountered in the implementation of international instruments, particularly by developing countries. The Meeting marked a crucial milestone along the way to the goal of translating ideas, theory and principles into practical, concrete and effective action.

36. The Director-General mentioned that the review process had begun after the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in 1985. The Statement of Principles and Programme of Action elaborated by the Intergovernmental Working Group, while it could not reflect agreement on all issues, nevertheless demonstrated strong consensus on the most fundamental questions: on the scope, goals and priorities of the programme; on the need for emphasis on the exchange and provision of information and on technical cooperation. The proposals for establishing a commission and strengthening the substantive secretariat of the United Nations Office at Vienna were significant. The Statement of Principles recognized also that a multidisciplinary approach, addressing crime problems in a comprehensive manner within an overall social context, was essential. The United Nations Office at Vienna was promoting such an interaction between the

crime prevention programme and all the other programmes located there: social policy and analysis; women; family; vulnerable groups such as youth, ageing and the disabled; and drug abuse and trafficking. It was thus welcome that the Intergovernmental Working Group envisaged a strengthened and upgraded secretariat remaining within that Office.

37. The Director-General noted the recommendation of the Intergovernmental Working Group that the new commission should not be bound by mandates preceding its creation. She expressed the hope that the commission would be established soon and provide guidance in establishing priorities with respect to the most pressing issues to be dealt with before the next congress.

38. As to the congresses, everyone seemed now to agree that their role must change. She supported in that regard a period of stocktaking and the assessment of possibilities for strengthening the implementation of existing United Nations standards and of practical assistance rather than the negotiation of new instruments.

39. Moreover, the preparation of the congresses in their present form absorbed much time and resources over four years at the expense of greater cooperation with developing countries requesting help. In order to develop an effective international network of cooperation against crime, it was indispensable to assist countries lacking the human and material resources necessary to implement the standards to which they had subscribed. Technical cooperation should not be considered a charitable undertaking but a matter of crucial mutual interest.

40. The prevailing issue, however, was that of resources. Any reform would have little meaning without the mobilization of the necessary additional resources to bridge the gap between increasing mandates and a zero-growth budget. The draft resolution called for the implementation of the various measures proposed in the Statement of Principles and Programme of Action "within the overall existing United Nations resources", language that had become standard in all resolutions. Redeployment of resources within the United Nations Office at Vienna was impossible in view of the already diminished means available to the other programmes and their new mandates. It was also very difficult to redeploy resources from other programmes, since the Secretary-General could only make proposals and Member States found it difficult to agree on which programmes should be cut.

41. The note by the Secretary-General on the possible implications of the recommendations for the resources of the Organization (A/CONF.156/3) projected a considerable expansion of the international cooperation element of the programme budget for the biennium 1992-1993, which was currently under consideration by the General Assembly. Additional resources would therefore be required. Given the problems of available time and those of redeployment, however, the note proposed to refer the question to the next session of the Assembly. The nettle would, however, have to be grasped at some point if the recommendations were not to become dead letter.

42. Ministers and other heads of delegations who participated in the general debate expressed their approval for the recommendations of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, which met at Vienna from 5 to 9 August 1991. Several speakers were not pleased, however, with the statement of possible financial implications submitted by the Secretary-General as a follow-up to the Vienna meeting, in so far as it did not contain any specific aspects of such implications in terms of concrete figures and estimates. A clear timetable for the implementation of the recommendations adopted at Vienna, they noted, was also absent. For those reasons, the report did not, in their opinion, comply with the mandate of General Assembly resolution 45/108. In response, the Director-General of the United Nations Office at Vienna clarified the financial implications of establishing the commission and dissolving the Committee, as well as the possible procedures to be followed.

43. The menacing increases in criminality, which in a large number of countries had reached unacceptable levels, was stressed by many delegations. The spread of crime throughout the world could be compared to an ecological disaster. Moreover, expert analyses revealed alarming forecasts for the future. Law-breakers were acting more and more aggressively, while organized crime was making inroads into government and economic affairs. Conventional and modern criminality, including sophisticated computer crime, terrorism, organized crime, illicit drug-trafficking, money-laundering operations and violent street crime were creating a pervasive feeling of insecurity. Crime increases were, moreover, very costly in human and financial terms, and thus constituted an obstacle to socio-economic development. For these reasons, all delegations stressed the importance of prevention in the fight against crime.

44. Although particular patterns would vary from country to country, growing crime rates seemed to be an almost universal phenomenon. That negative development had resulted in increasing pressures upon the criminal justice systems and on the public at large. The consequences were often overloaded courts, overworked police forces and overcrowded prisons, as well as widespread public fear, coupled with demands for more effective control policies. An inefficient criminal justice system undermined the faith of the citizens in the capacity of their Government to protect them. The sophistication of crime and the cost of criminal justice operations had reached such dimensions as to necessitate concerted counteraction both by individual nations and by the international community as a whole, since a fair and effective criminal justice system was a pillar of democracy. No good Government could exist without it.

45. Some delegations stated that, although the relationship between insufficient or inadequate development and criminality could not be denied, it should not be forgotten that crime was also a growing phenomenon in most developed countries. Development seemed to create more opportunities for crime while reducing some of the traditional factors associated with it. The connection between crime and development should not, however, be construed as an argument against the aspirations of peoples to attain better standards of living. In fact, in some countries a reduction in criminality could be observed as a result of improvements in living conditions.

46. None the less, developing countries, in view of their resource constraints, found it hard to generate and set aside sufficient funds for preventing and combating the increasing number of crimes. The new programme should, therefore, take full cognizance of the difficulties and the aspirations of those countries.

47. Delegates also noted the amazing developments towards democracy that were currently taking place in many parts of the world. The increased free movement of persons was contributing to the creation of closer ties between different peoples. That could help make the world a much safer place for everybody. Democracy, however, could not conjure crime away; on the contrary, as was the case with development, democracy could create new opportunities for crime. That was a price to be paid for freedom.

48. In view of the above, both developing countries and countries where democracy was emerging should be helped in their struggle against rising criminality. While it was true that much of the assistance in crime prevention and criminal justice might be rendered through bilateral aid programmes, many speakers felt that such arrangements were no longer sufficient, in view of the growing internationalization of crime and of the shared responsibility of nations to cope with it. Thus, the United Nations had an important role to play in coordinating international efforts, setting up projects and acting as a clearing-house where needs and sources of assistance might be matched. Such projects could well be financed through voluntary contributions, but should all be well-focused, purposeful and effective. Such an approach could achieve much-needed practical results, as the assistance provided in coping with the aftermath of the Chernobyl disaster indicated, in the case of environmental offences.

49. There existed, according to some Ministers, an acute need for better and more accurate criminal statistics, including harmonization and standardization of data collection, particularly on transnational crime. This objective knowledge was essential for an evaluation of the global crime situation. Further, quantitative data in the form of criminal statistics and other relevant qualitative information could provide an objective picture required for drawing up accurate country crime profiles. Only in such a case could adequate crime prevention policies and strategies be developed. In that area, as well as in the area of databases and information exchanges, the United Nations should continue to play a leading role. Several delegations expressed interest in initiating technical cooperation projects in the computerization of criminal justice information.

50. Some delegations felt that the time had come for an international meeting to discuss the basis of exchange of information among the parties concerned, and emphasized that their Governments were ready to support the holding of preliminary talks aimed at that objective.

51. With respect to databases, many delegations suggested that the exchange of information and sharing of intelligence related to transnational crimes such as terrorism, organized crime and money-laundering would not only

facilitate extradition requests, but also further encourage mutual assistance and cooperation.

52. It was also emphasized that the clearing-house function could be facilitated by computerizing information on training needs and facilities collected by the United Nations with the assistance of Member States willing to offer such training or requesting it. That information could be usefully disseminated through the United Nations global information network on crime prevention and criminal justice, a mechanism found to be extremely useful as part of the clearing-house function of the Secretariat. One delegation suggested that the preparation of a multilingual thesaurus of United Nations crime prevention and criminal justice terms would also facilitate understanding of common concepts relevant to technical cooperation.

53. It was proposed that all developed countries should pledge themselves to review their aid programmes to ensure that there was a full and proper contribution to technical cooperation in promoting good government, through the improvement of the criminal justice system. That would show that the international community was committed to paying increased attention to criminal justice standards and that the technical assistance projects were geared to achieving practical results. Those projects could include assistance to the judiciary, helping with the drafting of new legislation and upgrading police forces, so as to strengthen the rule of law and the administration of criminal justice.

54. In that connection, it was thought that countries could be invited to list their training needs in all areas of the criminal justice system and to suggest training programmes in their fields of expertise. Such a cooperative training system would require little additional resources from the United Nations.

55. One of the main tasks of the new United Nations programme would be to make people more aware of international cooperation in the field of criminal justice and to assist Member States in acquiring the necessary means to ensure that cooperation. However, all such new projects and approaches presupposed the existence of a well-equipped Secretariat. In that respect, ensuring adequate staffing and financial resources to enable the United Nations to carry out the growing demands made on it in crime prevention and criminal justice, especially in view of the zero-growth budget, was seen as a major challenge.

56. The importance of the instruments containing norms and standards in the field of crime prevention and criminal justice developed within the United Nations was widely acknowledged. They served not only as valuable guidelines for States, but had also served as a basis for the work of the United Nations bodies established to combat grave human rights violations. In this connection, the complementary roles of standing intergovernmental bodies and those composed of individual experts was underlined. Attention was also drawn in that respect to the complementarity of the contributions of the United Nations human rights and crime prevention programmes. Similarly the advisory

services and technical assistance programmes of both sectors could, with sufficient resources, play a vital role in helping States to combat crime and promote respect for human rights and fundamental freedoms.

57. All speakers expressed support for the creation of a commission on crime prevention and criminal justice that would replace the current Committee on Crime Prevention and Control. The vast majority agreed that the Committee should be dissolved as soon as possible. The existing arrangements had not allowed for sufficient governmental participation in the formulation of the programme or in the elaboration of international instruments, but governmental representatives should bear the ultimate responsibility for drafting and reaching agreement on the language of any international instruments. A commission would guarantee the involvement of Governments and thus their political and financial commitment to the goals of the new programme, provided that its size were sufficient to ensure an optimal geographical representation.

58. Such a commission should determine the priorities of the programme and manage, monitor and periodically review its implementation, including the preparations of the quinquennial congresses, as the most authoritative body in crime prevention and criminal justice within the United Nations. For instance, the commission could serve as a forum promoting, in so far as desirable, the harmonization of legislation. In addition, the exact relationship between the commission and the congresses should be spelt out in the resolution to be produced by the present Meeting. The work of the new commission should be supported by a secretariat commensurate to the importance of its tasks. The present unit of the Secretariat did not have the resources necessary for fulfilling its mandates, much less for carrying out an enhanced technical cooperation programme. As a result, many delegations expressed support for an upgrading of the present unit of the Secretariat, including allocation of the corresponding resources. Furthermore, support was also expressed for the use, by the new commission, of non-governmental organizations and individual experts, since it would be unrealistic to expect the commission to function entirely without such expertise. In that respect, some delegations believed that the Committee on Crime Prevention and Control could be retained as a standing subcommittee of experts. In that manner, the vast experience of its members could continue to be useful to the international community. Others, however, preferred ad hoc groups of experts to be established to meet specific tasks. In any case, it was emphasized that the role of the Committee had been extremely valuable and highly appreciated by the Meeting.

59. Many speakers supported the maintenance of the quinquennial congresses on the prevention of crime and the treatment of offenders, which were one of the forms of technical cooperation among countries. They agreed, however, that their scope and duration needed revision. Thus, the congresses could be better focused, more practically oriented and concentrate on the exchange of information and experience among experts. In that way, they could continue to provide useful recommendations. It was also suggested that the congresses were the result of a contractual obligation acquired by the United Nations with the International Penal and Penitentiary Commission.

60. Further, a large number of delegations were in favour of the retention of the regional preparatory meetings for the congresses on an optional basis, that is, in those regions wishing to have them. In that endeavour, the regional institutes could perform a decisive role. Those meetings gave an excellent opportunity to countries of the different regions to examine and compare their positions on the topics to be discussed at the congress.

61. A word of caution was expressed concerning the timing of the dissolution of the Committee and creation of the new commission. The latter should start functioning as soon as possible, that is, should hold its first session in 1992 or early 1993, so as to avoid the emergence of a dangerous vacuum. If this was not done, while at the same time the twelfth session of the Committee, scheduled for early 1992, was cancelled, the absence of a supervisory body would seriously affect the preparations for the next congress, which should take place in 1995. Such a development would weaken the programme instead of strengthening it.

62. Several delegations supported the establishment of an international foundation for the prevention of crime. The United Nations should be the connecting body between the proposed foundation and other already existing institutions and practitioners and policy makers in Member States.

63. Although some delegations were in favour of the development of an international convention in order to continue the work of the United Nations in the codification of international criminal law, others felt that such a project was premature. In fact such work would consume time and resources, something impracticable under the present constraints. After having considered the proposals made by the delegation of Costa Rica, the Meeting decided that: (a) the commission on crime prevention and criminal justice to be established shall be competent to examine the desirability of a convention or of another instrument; (b) the commission shall examine that possibility and shall take the appropriate decision. The same was true of the proposal to create a crime prevention foundation, which was encouraged by many speakers.

V. ACTION TAKEN BY THE MINISTERIAL MEETING

A. Creation of an effective United Nations crime prevention and criminal justice programme

64. At its 6th meeting, on 23 November, the Chairman of the Committee of the Whole made a statement in the course of which he informed the Ministerial Meeting of the results of informal consultations held in the Committee on the recommendations contained in the report of the Intergovernmental Working Group on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, and introduced a draft resolution (A/CONF.156/L.5 and Corr.1) entitled "Creation of an effective United Nations crime prevention and criminal justice programme".

65. The Secretary of the Ministerial Meeting made a statement and read out additional corrections to the draft resolution.

66. At the same meeting, the representative of the United States of America and the Secretary of the Ministerial Meeting made statements.

67. Also at the same meeting, the Ministerial Meeting adopted the draft resolution by acclamation (see chap. II, sect. A, draft resolution).

B. The need for technical cooperation in the field of crime prevention and criminal justice

68. At the 6th meeting, the Ministerial Meeting had before it a draft resolution (A/CONF.156/L.3/Rev.1) entitled "The need for technical cooperation in the field of crime prevention and criminal justice", submitted by Algeria, Australia, Canada, France, Gabon, Israel, Italy, Japan, Mali, Malta, the Netherlands, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

69. At the same meeting, the Ministerial Meeting adopted the draft resolution by acclamation (see chap. II, sect. B, resolution 1).

C. African Regional Institute for the Prevention of Crime and the Treatment of Offenders

70. At the 6th meeting, the representative of Uganda, on behalf of Japan, Nigeria and Sierra Leone, introduced a draft resolution (A/CONF.156/L.8) entitled "African Regional Institute for the Prevention of Crime and the Treatment of Offenders", which read as follows:

"The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

"Recommends to the General Assembly the adoption of the following draft resolution:

'African Regional Institute for the Prevention of Crime and the Treatment of Offenders

'The General Assembly,

'Bearing in mind that one of the purposes of the United Nations, as stated in its Charter, is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

'Deeply concerned about the upsurge in crime, the danger it poses for the welfare of all nations and its high cost in both human and material terms,

'Conscious of the vital role of regional cooperation in the fight against crime and of the important potential contribution of interregional and regional institutes in the prevention of crime and the treatment of offenders,

'Recalling that the African Regional Institute for the Prevention of Crime and the Treatment of Offenders was only recently created in response to the demands of the African region and the generality of Member States for the establishment of an institute in that region with a view to fulfilling the needs of research, training and technical assistance of the African region,

'Aware that many Member States of the African region are in the category of the least developed countries and as such lack the necessary resources with which to give substantial support to the African Regional Institute,

'Aware also of the difficulties faced by the African Regional Institute, which impede its capacity to make its full potential contribution in the fight against crime in the region,

'1. Calls upon the international community to provide all possible support, including financial assistance, to the African Regional Institute for the Prevention of Crime and the Treatment of Offenders in the fulfilment of its objectives, particularly those concerning training, technical assistance, research and data collection;

'2. Requests the Secretary-General to make specific proposals to the General Assembly on the strengthening of the African Regional Institute for the Prevention of Crime and the Treatment of Offenders within the overall appropriations of the budget for the biennium 1992-1993;

'3. Decides to consider the implementation of this resolution at its forty-seventh session under the item entitled "Crime prevention and criminal justice".'"

71. In introducing the draft resolution, the representative of Uganda highlighted the vital role of regional cooperation and the potential contribution of interregional and regional institutes in the fight against crime. He outlined the problems faced by the African Regional Institute for the Prevention of Crime and the Treatment of Offenders in realizing this role and emphasized the great importance his country attached to the work of the Institute and to ensuring its proper functioning.

72. Following consultations and in the spirit of flexibility, the representative of Uganda reluctantly withdrew the resolution, on the understanding that a similar proposal would be submitted to the General Assembly at its forty-sixth session. He regretted that it had not been

possible to take action on the draft resolution owing to the lack of time. He hoped that all delegations represented at the Ministerial Meeting would be in a position to support the proposal at the forty-sixth session of the Assembly, where it would be taken up together with other pertinent matters in the context of the report of the Secretary-General on the issue and the report of the Ministerial Meeting.

D. Desirability of a convention or any other international instrument

73. On the proposal of the President, the Ministerial Meeting decided to approve the insertion in the report of the general debate of the following text, which was agreed upon in the Committee of the Whole:

> "After having considered the proposals made by the delegation of Costa Rica, the Meeting decided that (a) the commission on crime prevention and criminal justice to be established shall be competent to examine the desirability of a convention or of any other instrument; and (b) the commission shall examine this possibility and shall take the appropriate decision."

VI. ADOPTION OF THE REPORT OF THE MINISTERIAL MEETING

74. At its 6th meeting, on 23 November, the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme adopted the report of its meeting (A/CONF.156/L.4 and Add.1).

VII. CLOSURE OF THE MEETING

75. After the adoption of the report, the representative of Nigeria, on behalf of Algeria, Argentina, Benin, Burkina Faso, Burundi, Cameroon, Chad, Chile, China, the Congo, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, France, Gabon, the Gambia, Ghana, Guinea-Bissau, Indonesia, Israel, Italy, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, the Sudan, Swaziland, Togo, Uganda, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Zimbabwe, introduced a draft resolution (A/CONF.156/L.7) entitled "Election of Mr. Boutros Boutros Ghali to the post of Secretary-General of the United Nations".

76. At the same meeting, it was announced that all Member States and observer delegations present at the Ministerial Meeting had joined unanimously in sponsoring the draft resolution.

77. The Ministerial Meeting then adopted the draft resolution by acclamation (see chap. II, sect. B, resolution 2).

78. Also after the adoption of the report, the representative of Saudi Arabia, Chairman of the Committee of the Whole, introduced a draft resolution (A/CONF.156/L.6) entitled "Expression of thanks to the Government and people of France".

79. The Ministerial Meeting adopted the draft resolution by acclamation (see chap. II, sect. B, resolution 3).

80. The President made a statement and declared the Ministerial Meeting closed.

ANNEX

List of documents before the Ministerial Meeting

Document number	Agenda item	Title or description
A/44/6/Rev.1	4	Extract from the programme budget for the biennium 1990-1991
A/45/6/Rev.1	4	Extract from the medium-term plan for the period 1992-1997
A/45/629	4	Report of the Secretary-General on the implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/46/6, sect. 21	4	Proposed programme budget for the biennium 1992-1993
A/46/363	4	Report of the Secretary-General on crime prevention and criminal justice
A/AC.239/CRP.2	5	Future of the United Nations crime prevention and justice programme: A plan for the restructuring of the United Nations Crime Prevention and Criminal Justice Programme, submitted by the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)
A/CONF.144/28/Rev.1	4	Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.156/1	3	Provisional annotated agenda
A/CONF.156/2	4	Report of the meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, held at Vienna from 5 to 9 August 1991

Document number	Agenda item	Title or description
A/CONF.156/3	4	Note by the Secretary-General on possible implications of the programme proposed by the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme for the resources and organization of the Secretariat
A/CONF.156/4	5	Letter dated 8 November 1991 from the First Alternate Representative of Costa Rica to the United Nations addressed to the Secretary-General
A/CONF.156/CRP.1	5	Draft international convention on cooperation in crime prevention and criminal justice
A/CONF.156/INF.1	-	Information for participants
A/CONF.156/INF.2	-	List of participants
A/CONF.156/L.1	3	Organization of work of the Meeting
A/CONF.156/L.2	4	France: Proposed amendments to the draft resolution contained in document A/CONF.156/2
A/CONF.156/L.3/Rev.1	6	Algeria, Australia, Canada, France, Gabon, Italy, Japan, Netherlands, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution
A/CONF.156/L.4 and Add.1	7	Draft report of the Ministerial Meeting
A/CONF.156/L.5	6	Draft resolution submitted by the Chairman of the Committee of the Whole, Mr. Ibrahim Mohamed Al Awaji (Saudi Arabia)
A/CONF.156/L.6	-	Saudi Arabia: draft resolution

Document number	Agenda item	Title or description
A/CONF.156/L.7	-	Algeria, Argentina, Benin, Burkina Faso, Burundi, Cameroon, Chad, Chile, China, Congo, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, France, Gabon, Gambia, Ghana, Guinea-Bissau, Indonesia, Israel, Italy, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Senegal, Sudan, Swaziland, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Zimbabwe as well as all Member States and observer delegations present at the Ministerial Meeting: draft resolution
A/CONF.156/L.8	6	Japan, Nigeria, Sierra Leone, Sudan and Uganda: draft resolution
E/1990/31/Add.1	4	Report of the Committee on Crime Prevention and Control on the need for the creation of an effective international crime and justice programme.